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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/607,884

06/27/2003

Antony Joseph

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MERCHANT & GOULD PC

P.O. BOX 2903

MINNEAPOLIS, MN 55402-0903

EXAMINER

HANSEN, COLBY M

ART UNIT

PAPER NUMBER

3682

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/607,884

Applicant(s)

JOSEPH ET AL.

Examiner

Colby Hansen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Species A3 in the reply filed on 4/19/2006 is acknowledged.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the perforation of "20" and "43", the coupling means, the hook means, chamfered/rounded edges, and multiplicity of means other than the hook mean must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

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be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: applicant must include a reference to the quaternary planar plat members in the specification.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 40&41 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant claims that fixed slots selection of tilt angle prevent *any types of reciprocating motions*, however this is impossible as inevitable elastic flexing will cause at least some reciprocating motions. Regarding 41, any environment is not supported.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The applicants' claims are replete with a lack of clarity as well as antecedent basis problems and an overall lack of consistent claim terminology usage. The specific 35 USC 112, 2nd rejections set forth below consist of most of the problems, though not necessarily all problems. Applicant is urged to carefully analyze the claims for other possible errors.

Regarding claim 1, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Applicant's claims are replete with the use of the phrase, "preferably" and "although not necessarily". Every such incident renders the claims indefinite as it is unclear whether the aspect of the claim being referred to is or is not being claimed.

Regarding claim 1, applicant's use of the phrase "instrument/transducer or any other device to be tested" renders the claim unclear as it is unknown what the metes and bounds are of the claims.

Regarding claim 3, it is unclear what the metes and bounds are of the terms "radially-*directed*" or "trouble-free".

Regarding claim 8, applicant claims a "second interconnecting member" without a "first interconnecting member" antecedently claimed. As such said phrase constitutes a non-sequitar indefinite recitation.

Claim 9 recites the limitation "said first and second interconnecting members" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "the hinge mechanism" and "the axis of pitch-motion" in lines 2-4. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 15, it is unclear which planar plate member is being referred to (parenthesis do not constitute a positive recitation).

Claim 15 recites the limitation "the axis of roll-motion" in lines 5-6. There is insufficient antecedent basis for this limitation in the claim.

Claim 16 recites the limitation "the mounting mechanism" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 17 recites the limitation "the mounting mechanism" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 21 recites the limitation "the axis of the planar plate member" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 26, it is unclear what the metes and bounds are of "easy passage".

Claim 26 recites the limitation "the electrical cable means" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 27, applicant claims "other conventional methods"; not only does this render the claim alternatively indefinite, but also the "conventional methods is bound to change overtime, further rendering the claim indefinite.

Claim 27 recites the limitation "the collar means" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 28, the phrase “a multiplicity of means other than the hook means” is indefinite.

Claim 28 recites the limitations "the hook means" and “the electrical cable means in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claim 29 recites the limitation "the mounting mechanism" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 30 recites the limitation "the clamp means" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 31 recites the limitation "said clamp means" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 32 recites the limitations "the grip" and “the interior faces of the claim means” in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claim 33 recites the limitations "the hinge mechanism" and “the arc-shaped pitch-motion control members in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 36, and the claim set as a whole, it is unclear what the difference is between the coupling members the projecting members.

Claim 36 recites the limitation "the projecting members" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 37, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d). Additionally, it is

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unclear what the metes and bounds are of the two substantially large circular portions *carved* out from the central portion. Are there circular apertures or is this an intermediate process directed to a method claim?

Claim 37 recites the limitation "the central portion" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 38, it is unclear what exactly what the "the edges of the members" (which members?) constitutes. Additional said recitation constitutes a lack of antecedent basis rejection. Also the recitation, "the device" has the same aforementioned bifurcated indefinite rejection.

Regarding claim 39, the term "the entire mechanism" has the above mention bifurcated indefinite rejections. Furthermore, it is unclear what the metes and bounds are of the term "easy" and "amenable" and "quick", which are all subjective.

Regarding claim 40, the term "members of the said mechanism" have the above bifurcated rejection; additionally it is the unclear what the metes and bounds are of the "any environment" recitation (would it work on the sun?).

Regarding claim 42, line 2, it is unclear which "planar member" is being referred to.

Claim 42 recites the limitation "the drag force" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 42 recites the limitation "the mounting mechanism" in line 4. There is insufficient antecedent basis for this limitation in the claim.

In claim 42, it is unclear what the metes and bounds are of the subjective term "perfectly".

Claim 43 recites the limitation "the members of the mounting mechanism" in line 2.

There is insufficient antecedent basis for this limitation in the claim.

Claim 44 recites the limitation "the recesses", "said mounting-platform", "the device" and "said platform" in lines 1-4. There is insufficient antecedent basis for this limitation in the claim. Additionally, it is unclear what the metes and bounds are of the subjective term "adequate".

Regarding claim 45, the phrase "and the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "and the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2 and 4-37, 39-42, 44 and 45, as best understood, rejected under 35 U.S.C. 102(e) as being anticipated by Jones (US Pat. 6,965,411).

Jones (US Pat. 6,965,411) discloses an adjustable mounting mechanism cable of pan, tilt, roll, and their combinations, (fig. 8) comprising a primary planar plate member 260 for mounting any device such as an instrument/transducer 248 of any other device to be tested, a second planar

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plate member 54, 254 having numerous preferably, although not necessarily, equally spaced perforations on its planar surface circumferentially along its periphery, two arc-shaped planar member (axial ends of 54) having numerous preferably, although not necessarily, equally spaced perforation drilled along their planar surfaces, and a tertiary planar plate member 68 that is capable of being mounted rigidly on a support staff means 48, wherein the support staff means permits rotation of the primary planar plate member and therefor the device mounted on it, about the axis of said support staff means in the azimuthal direction through 360 degrees; wherein the planar member is further attached to two other quaternary planar plate member (diametrically opposed sides of 256) through attachment means that could preferably, although not necessarily, be bolt and matching nuts means that function as locking members; wherein the quaternary planar plate members 256 and the secondary planar plate member 54,254 which is preferably of substantially circular cross-section are hinged together with the use of a cylindrical-shaped central rod member (stator/rotor arrangement of 258); wherein a first interconnecting member (top of housing of 258 between 254 & 265) is integrally joined to the quaternary planar members to provide a rigid locating means to the two arc-shaped planar members; wherein a second interconnecting member connected between the arc shaped planar member (bottom of housing); large substantially circular opening within the space not occupied by 68, 254, & 260 which, as they do not occupy matter, reduce the overall drag; electrical cable means (fig. 2); hook and collar means (located on 48; and shown in fig.2); protractor means (relative arrangement to boom); clamping means, as broadly recited, connecting the boom to the assembly.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (US Pat. 6,965,411) in view of Cuthbertson et al. (US 5,725,190).

Jones (US Pat. 6,965,411) discloses the claimed invention except for the radially-directed slots for trouble-free attachment between members.

Cuthbertson et al. teaches a mounting plate with radially-directed slot for robust and trouble-free mounting between members.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized the radially-directed slots as taught by Cuthbertson within Jones (US Pat. 6,965,411) so as to have a robust apparatus of assembly that can account for manufacturing inaccuracies or surrounding structures, as suggested by Cuthbertson.

Claims 38 and 43, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (US Pat. 6,965,411).

Jones (US Pat. 6,965,411) discloses the invention except for the chamfering/rounding of edges. It is old and well known in the art to round/chamfer edges of an assembly for aesthetic and well as safety reasons (operators could cut selves on sharp edges), therefor it would have

been obvious to one having ordinary skill in the art at the time the invention was made to have chamfered/rounded the edges of Jones (US Pat. 6,965,411) for aesthetic and safety reasons.

FACSIMILE TRANSMISSION

Submission of your response by facsimile transmission is encouraged. Group 3600's facsimile number is **(571) 273-8300**. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MEP. 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check **should not be** submitting by facsimile transmission separately from the check.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MEP. 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (703) 872-9306) on _____

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(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MEP. 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Colby Hansen whose telephone number is (571) 272-7105. The examiner can normally be reached on Monday through Thursday and every other Friday from 7:30 PM to 5:00 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley, can be reached on (571) 272-6917. Any inquiry of a general nature

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or relating to the status of this application or proceeding should be directed to the Group
receptionist whose telephone number is (703) 308-2168.

Colby M. Hansen

Patent Examiner

 6/26/06



RICHARD RIDLEY
SUPERVISORY PATENT EXAMINER